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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,442	05/03/2001	Shigeki Kawakami	Q64139	5719

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EXAMINER

BAYAT, ALI

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,442

Applicant(s)

KAWAKAMI ET AL.

Examiner

Ali Bayat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 7-10 is/are rejected.
7) ☒ Claim(s) 2,3,6 and 11-13 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 5/3/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed on 4/14/05 have been fully considered but they are not persuasive in regard to independent claims. On page 6 last paragraph Applicant argues that Examiner cites Fig.13, steps S 116 and S 115 and corresponding text to teach this aspect of the invention. The cited portion relates to a gamma correction of Y, M, C, K data. An upward or downward adjustment, such as in a range ± 7 from a reference point is provided to adjust a density of a text part or an image part or both, which in turn provides an indication of a gamma correction table of Y, M, C, K data. We would submit that the cited portion relates to density conversion of a color signal C, M, Y, K rather than a color conversion as claimed.

Examiner disagrees the cited portion Fig.13, steps S 116 and S 115 reads on claim language, Naoi provides for two different color adjustment (text and image).

On second paragraph Applicant argues that we would submit that adjustment is made relative to a common color input. As illustrated by Fig.15, the color input is the result of a color common conversion. Such as via a log conversion. Therefore, the print and image data would not be converted by mutually different conversions, but in fact share a common color conversion.

Examiner disagrees the cited portion Fig.13, steps S 116 and S 115 reads on claim language, Naoi provides for two different color adjustment (text and image).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Naoi (U.S. 6,351,263).

In regard to claim 1, Naoi provides for a color conversion apparatus comprising: and input section for inputting page information having both image information including color data (Fig.1 element 27 col.2 lines 65-67) and character information including color data (Fig.1 element 2B col.2 lines 60-62); a color conversion section for practicing mutually different color conversions for both the image information (Fig.13 element S116, col.6 lines 53-58) and the character information (Fig.13 element S115, col.6 lines 44-52) of the entered page information ; and output section for outputting page information, which has both image information after the color conversion and character information after the color conversion (Fig.13 element S120, col.7 lines 6-8).

In regard to claim 7, Naoi provides for a color conversion apparatus, wherein input section inputs page information including three elements color space data, and output section outputs page information including at least one color of an ink system of color data (Fig.5 elements 51-53, col.3 lines 50-58).

As to claim 8. See claim 7 above. It recites similar limitation as claim 7. Hence it is similarly analyzed and rejected.

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With regard to claim 9, Naoi provides for a color conversion apparatus, wherein output section outputs page information in form of page information described in layout description information or in form of page information subjected to a raster development (Fig.13 element S119, col.7 lines 5-8).

In regard to claim 10. See claim 1 above. It recites similar limitations as claim 1. Except for a program storage medium storing a color conversion program for forming on computer network (Fig.1, col. 2 lines 35-40). Hence it is similarly analyzed and rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi (U.S. 6,351,263) in view of Tanabe et al. (U.S. 6,646,649).

In regard to claims 4-5, Naoi provides for an input section for inputting page information having both image information including color data (Fig.1 element 27 col.2 lines 65-67) and character information including color data (Fig.1 element 2B col.2 lines 60-62). Naoi does not disclose expressly for screen tint information and the gradation information in form of the character information. Tanabe provides for screen tint information (col.2 lines 19-26) and the gradation information (col.16 lines 30-35) in form of the character information. The prior art of Naoi and Tanabe are combinable because they are from the same field of endeavor (image display device and image processing

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apparatus, capable of varying the print density). At time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Tanabe with the system and method of Naoi. Because " the image is displayed on the basis of only gradation regardless of color data concerning three colors (e.g., red, green and blue). For that reason, even if color data of an image of inputted characters (a character image) are different from color data of an image of a background (a background image) for the character image, when the gradation of the character image is the same as that of the background image, both images are displayed with the same light and shade. Therefore, the character image on the monochrome liquid crystal display is displayed so as to be buried in the background image, so that it is very difficult to distinguish the character from the background image" col.1 lines 29-40.

Allowable Subject Matter

4. Claims 2-3, 6 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Bayat whose telephone number is 571-272-7444.

The examiner can normally be reached on M-F 9:00-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ali Bayat 
Patent examiner
Group Art Unit 2625
5/23/05


KANUBHAI PATEL
PRIMARY EXAMINER